HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6061 of 2007

PETITIONER D.R.Sahu, s/o late Shri Dwarika Prasad sahu, aged about 51 years, presently posted and working as Deputy Ranger, North Manpunr Forest Division, Rajnandgaon, Distt. Rajnandgaon

Versus

RESPONDENTS

1 State of Chhattisgarh, through the Secretary, Department of Forest, D.K.S. Bhawan, Mantralaya, Raipur (C.G).

2 Under Secretary, Department of Forest, Govt. of Chhattisgarh, D.K.S. Bhawan, Mantralaya, Raipur (C.G)

3 Divisional Forest Officer, North Manpunr, Forest Division Rajnandgaon, District Rajnandgaon (C.G)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Rajendra Tripathi, counsel for the petitioner.

Shri Sumit Verma, Panel Lawyer, for the State/respondents on advance copy.

ORAL ORDER

(10.10.2007)

SUNIL KUMAR SINHA, J,

Heard on admission.

The petitioner, who is working on the post of Deputy Ranger, North Manpur Forest Division, Distt. Rajnandgaon (C.G) has been transferred to South Manpur Division, Nawagarh Forest Division, Rajnandgaon (C.G).

Learned counsel for the petitioner submits that the transfer has been effected in ban period and it is a mid session transfer. On this, learned State Counsel submits that the order of transfer was effected on 31.8.2007 when there was no ban as the ban

period was extended to this date. He also argues that as the academic session in the schools in the State begins from 1st of July, it cannot be said that it is a mid session transfer.

Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better function of the department as also in the public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafide or extraneous considerations or is against any statutory Rules or Act, it cannot be interfered by a Court of Law.

Since the petitioner could not make out a case either of malafide or extraneous considerations or passing of the order of transfer against any statutory rules or the Act, I am not inclined to interfere in this petition on the above grounds raised by learned counsel for the petitioner.

The petition has no merits. The same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

/Rao/